

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

COUNTY OF LEON	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 4:18-cv-04709
	§	
PURDUE PHARMA L.P., et al.	§	
	§	
Defendants.	§	

JOINT MOTION TO CONTINUE DEADLINES

Plaintiff County of Leon and Defendants Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company Inc.; Teva Pharmaceuticals USA, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Insys Therapeutics, Inc.; and Insys Manufacturing LLC; (collectively the “Moving Parties”) respectfully request to continue the deadlines in the Court’s December 14, 2018 Order For Conference and Disclosure of Interested Parties (Dkt. 3) and the January 3, 2019 Notice of Resetting (Dkt. 16) and in support state as follows:

1. This action was removed to this Court on December 13, 2018. Plaintiff requested Remand on December 18, 2018.
2. Defendants have filed with the JPML a Notice of Potential Tag-Along Actions identifying this matter for potential transfer to the MDL Proceeding, *In re National Prescription*

Opiate Litigation, MDL No. 2804, pending before Judge Polster in the Northern District of Ohio (the “Federal MDL”).

3. On December 20, 2018, the Court entered an Order Granting Defendants’ Unopposed Motion to Extend Deadline to Respond to Complaint, which extended the Defendants’ deadlines to answer or otherwise respond to the Complaint to “(1) 60 days after this case is transferred to the Federal MDL or, if the case is remanded, (2) 5 business days after a remand order is received by the State Court.” (Order (Dkt. 6).)

4. On January 4, 2019, the JPML issued a Conditional Transfer Order (CTO – 74), that conditionally orders transfer of this matter to the Federal MDL. (Order, attached as Exhibit 1.)

5. Plaintiff filed a Notice of Opposition to the CTO on January 11, 2019, and a Motion to Vacate the CTO on January 29, 2019. Manufacturer Defendants filed an Opposition to Plaintiff’s Motion to Vacate on February 19, 2019.

6. Plaintiff’s Motion to Vacate the CTO is currently set before the JPML on March 28, 2019. Consistent with the JPML’s prior rulings, an order on Plaintiff’s Motion to Vacate is expected shortly after the March 28, 2019 hearing.

7. The Court’s Order for Conference and Disclosure of Interested Parties includes a number of deadlines before the March 28 JPML hearing date, including:

- March 1, 2019 – Last day for the parties to confer to consider matters required by Fed. R. Civ. P. 26(f) and the Court’s Order for Conference and Notice of Resetting;
- March 12, 2019 – Deadline for the parties to submit a written joint discovery/case management plan under Fed. R. Civ. P. 26(f); and
- March 22, 2019 – Initial pretrial and scheduling conference pursuant to Fed. R. Civ. P. 16.

8. The Moving Parties submit that conferring on the nature and basis of the parties' claims and defenses, the possibility for settlement or resolution, the arrangements for Rule 26(a)(1) disclosures, and the development of a discovery plan when multiple parties to this lawsuit have not yet been served and while the JPML's Conditional Transfer Order remains pending and thereafter, is premature and that these deadlines should be postponed.

Based on the foregoing, and in the interest of justice, the Moving Parties respectfully request that the Court continue all deadlines in the Order for Conference and Disclosure of Interested Parties until the JPML rules on Plaintiff's Motion to Vacate the Conditional Transfer Order or this Court has ruled on Plaintiff's Motion to Remand, whichever is later.

Dated: March 12, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2019, the foregoing document was transmitted to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing for this filing to all registered counsel of record.

/s/ Noelle M. Reed
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